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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,005	12/21/2001	William R. Matz	36968/267872	5691
7590 11/15/2005 Scott P. Zimmerman PLLC P.O. Box 3822 Cary, NC 27519			EXAMINER JOHNSON, ALAN M	
			ART UNIT 2611	PAPER NUMBER

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/037,005	MATZ ET AL.	
	Examiner	Art Unit	
	Alan M. Johnson	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-50 rejected under 35 U.S.C. 102(e) as being anticipated by Vinson (US003/0172374A1).

Considering claim 1, Vinson discloses a method for receiving subscriber content choice information comprising

- a. collecting subscriber content-choice data from a plurality of subscriber content-choice databases (paragraph 95 and 101)
- b. and storing the subscriber content-choice data in a clearinghouse database (1114 Fig. 11 and paragraph 102 ).

Dealing with claim 15, and 38 Vinson discloses a method and corresponding computer readable medium for receiving and distributing content-choice information comprising:

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- a. collecting subscriber content data from a plurality of subscriber content-choice databases (paragraph 95 and paragraph 101)
- b. storing the subscriber content-choice data in a clearinghouse database (1114 Fig. 11 and paragraph 102)
- c. selecting stored subscriber content-choice data (paragraph 104 and paragraph 105 )
- d. and providing the selected subscriber content-choice data to a requesting party (paragraph 105).

Regarding claim 2, Vinson discloses a method wherein the subscriber content-choice data comprise data relating to viewing preferences of at least one subscriber (paragraph 111 lines 1-5 and paragraph 84 lines 1-4).

In respect to claim 3, Vinson discloses a method wherein the subscriber content-choice data comprise data relating to television programs watched by at least one subscriber (paragraph 82 and paragraph 83 lines).

Considering claim 4, Vinson discloses a method wherein the subscriber content-choice data comprise date information and time information (times at which such content was available, paragraph 83 lines 1-3 and may include a time –or position-based order, paragraph 83 lines 13-16).

Considering claim 5, Vinson discloses a method wherein the subscriber content-choice data further comprise data relating to the at least one subscriber (Paragraph 84).

Dealing with claim 6, Vinson discloses a method wherein the data relating to the at least one subscriber comprise a subscriber identifier for each subscriber (paragraph 304).

As for claim 7, Vinson discloses a method wherein the data relating at least one subscriber comprise demographic data for each subscriber (paragraph 114).

Regarding claim 8, Vinson discloses a method wherein the subscriber content-choice data further comprise data relating to a subscriber system (paragraph 97).

With respect to claim 9, Vinson discloses a method wherein the subscriber system comprises a cable system operator (paragraph 85 lines 3-7).

Considering claim 10, Vinson discloses a method wherein the subscriber content-choice data comprise data relating to advertising viewed by at least one subscriber (paragraph 306 lines 1-8).

Dealing with claim 11, Vinson discloses a method wherein the subscriber content-choice data comprise data relating to the viewing patterns of at least one subscriber (paragraph 171 lines 9-13).

As for claim 12, Vinson discloses a method wherein the subscriber content-choice data comprise at least one subscriber classification (paragraph 114 lines 1-5).

In respect to claim 13, Vinson discloses a method wherein the subscriber content-choice data comprise content-choice summary data (wherein the summary is a summary of behavioral actions that a specific group demonstrated "How many African Americans in Florida watched at least 20% ..." gives a summary of the African Americans behavior paragraph 90).

Considering claim 14, Vinson discloses a method of sorting the collected subscriber content-choice data (paragraph 112 lines 1-6 and paragraph 113 lines 1-3).

As for claim 16, see claim 2.

In respect to claim 17, see claim 3.

As for claim 18, see claim 4.

Considering claim 19, see claim 5.

Dealing with claim 20, see claim 6.

As for claim 21, see claim 7.

Regarding claim 22, see claim 8.

With respect to claim 23, see claim 9.

Considering claim 24, see claim 10.

Dealing with claim 25, see claim 11.

As for claim 26, see claim 12.

In respect to claim 27, see claim 13.

Considering claim 28, see claim 14.

Relating to claim 29, and 39 Vinson discloses a method and corresponding computer-readable medium comprising retrieving the selected subscriber content-choice data from the clearinghouse database (paragraph 105).

As for claim 30 and 40, Vinson discloses the selected subscriber content-choice data are securely provided to the requesting party (paragraph 99).

Considering claim 31, Vinson discloses a method wherein the stored subscriber content-choice data are selected based on subscriber geographic location detail (paragraph 90).

Regarding claim 32, Vinson discloses a method wherein the stored subscriber content-choice data are selected based on subscriber classification data (paragraph 90).

With respect to claim 33, Vinson discloses a method wherein the stored subscriber content-choice data are selected based on data relating to television programs viewed by a plurality of subscribers (paragraph 90).



In reply to claim 34, Vinson discloses a method wherein the stored subscriber content-choice data is selected based on data relating to advertisements viewed by a plurality of subscribers (paragraph 304 lines 1-8).

Considering claim 35, Vinson discloses a method where in the stored subscriber content-choice data are selected based on data relating to viewing date (times at which such content was available, paragraph 83 lines 1-3) and geographic location (paragraph 320 lines 1-11) .

As for claim 36, Vinson discloses:

- a. a computer-readable medium on which is encoded computer program code for receiving subscriber content-choice information (1105, 1106 Fig. 11)
- b. comprising program code for collecting subscriber content-choice data from a plurality of subscriber content-choice databases (900 Fig. 3, paragraph 112 lines 1-6 and paragraph 113 lines 1-3)
- c. and program code for storing the subscriber content-choice data in a clearinghouse database (1110, 1114 Fig. 11).

With respect to claim 37, Vinson discloses a program code for sorting the collected subscriber content-choice data (paragraph 113 lines 1-3).

In respect to claim 41, Vinson discloses a system for receiving and distributing content-choice information (Fig. 11) comprising

- a. a content-choice information clearinghouse (Data Center, Fig. 11), where the clearinghouse
  - i. receives subscriber content-choice data (paragraph 95 and 101)
  - ii. and provides selected subscriber content-choice data to a requesting party (paragraph 105).

Considering claim 42, Vinson discloses a system wherein the clearinghouse comprises a database (1114, Fig. 11).

Dealing with claim 43, Vinson discloses a system wherein the clearinghouse further comprises a processor. (1110 or 1114, 1116, 1121, 1221, 1123, Fig. 11 and paragraph 102 lines 6-7).

As for claim 44, Vinson discloses a system wherein the clearinghouse receives the subscriber content-choice database from a plurality of subscriber content-choice databases (paragraph 95 and paragraph 101).

Relating to claim 45, Vinson discloses a system wherein the selected subscriber content-choice data is provided to the requesting party over the Internet (1113, 1117, Fig. 11 and paragraph 105).

With respect to claim 46, Vinson discloses a system for receiving and distributing content-choice information (Fig. 11) comprising

- a. a content choice information clearinghouse (Data Center, Fig. 11)
- b. and a plurality of subscriber content-choice databases (paragraphs 95 and 101) wherein the clearinghouse collects subscriber content-choice data from the plurality of subscriber content-choice databases (paragraphs 101 and 102) and stores the subscriber content-choice data (1114 Fig. 11).

Regarding claim 47, Vinson discloses a system wherein the clearinghouse comprise a clearinghouse database (1110 and 1114 Fig. 11).

As for claim 48, see claim 43.

Considering claim 49, Vinson discloses a system comprising a content provider terminal (wherein the content is considered to be the data from the data base 1114 to the terminal 1122 Fig 11).

Dealing with claim 50, Vinson discloses a system wherein the clearinghouse provides selected subscriber content-choice data to the content provider terminal (1121, 1122, 1123 Fig. 11).

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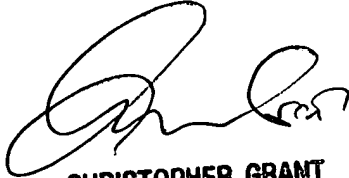
### Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan M. Johnson whose telephone number is (571)272-7916. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ



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